AN ORDINANCE OF THE LORDS and COMMONS Assembled in PARLIAMENT:

FOR

The present setling (without further delay) Of the Presbyteriall Government In the Church of ENGLAND

Gt Brit -- Parliament

Die Veneris, 5 *Junii*. 1646.

ORdered by the Lords Assembled in Parliament, That this Ordinance concerning Church-Government be forthwith printed and published.

Joh. Brown Cler. Parliamentorum.

London printed for *John Wright* at the Kings Head in the old Bayley. 1646.

AN

ORDINANCE

OF THE

LORDS and COMMONS

Assembled in

PARLIAMENT

FOR

the preferring Mr. Bourn before Mr. Cheny

Or the

Presbyterial Government

In the Church of ENGLAND

London printed for John Wright at the Kings

Head in the old Bayley. 1646.

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Die Veneris 5. Junii 1646.

AN

ORDINANCE

OF THE

LORDS and COMMONS

Assembled in

PARLIAMENT.

THe Lords and Commons in Parliament, holding their former resolution, That all notorious and scandalous Offenders shalbe kept from the Sacrament, have thought fit to make a further addition to the scandalous Offences formerly enumerated, for which men shall be kept from

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from the Sacrament; and least the stay of the enumeration, and the not naming of Commissioners to judge of Cases not enumerated, should hinder the putting in execution the Presbyterian Government already established: They have thought fit, that in regard that divers persons fit to be Commissioners, according to the last Ordinance of 14 Martii 1645, by reason of the present Distractions, are absent from their habitations, and so cannot doe the service therein, which otherwise they might doe: They doe therefore Ordaine, that in stead and place of Commissioners in the said Ordinance,

THomas Earle of *Arundell* and *Surry*, *Algernon* Earle of *Northumberland*, *Henry* Earle of *Kent*, *John* Earle of *Rutland*, *Philip* Earle of *Pembroke* and *Montgomery*, *Robert* Earle of *Essex*, *Theophilus* Earle of *Lincolne*, *Charles* Earle of *Nottingham*, *James* Earle of *Suffolke*, *William* Earle of *Salisbury*, *John* Earle of *Bridgewater*, *Robert* Earl of *Warwicke*, *Basill* Earle of *Denbigh*, *James* Earle of *Middlesex*, *Oliver* Earle of *Bollingbrooke*, *Edward* Earle of *Manchester*, *Edmond* Earle of *Mulgrave*, *Henry* Earle of *Stamford*, *William* Lord Viscount *Say* and *Seale*, *George* Lord *Berkley*, *Francis* Lord *Dacres*, *Philip* Lord *Wharton*, *Francis* Lord *Willoughby* of *Parham*, *Dudley* Lord *North*, *John* Lord *Hunsdon*, *Charles* Lord *Stanhopp*, *Edward* Lord *Mountague*, *William* Lord *Grey* of *Warke*, *John* Lord *Roberts*, *William* Lord *Maynard*, *Edward* Lord *Howard* of *Escrich*,

Eſcrich, *Richard* Lord *Herbert Cherberry*, *Thomas* Lord *Bruce*.

Francis Rous, *Edmund Prideaux* Eſquires, Sir *Henry Vane* Senior, *John Glyn* Eſquire, Recorder of *London*; Sir *Robert Harley*, *Bulſtrode Whitlock* Eſquire, *Humphrey Salloway* Eſquire, Maſter Serjeant *Wilde*, *Oliver St. John* Eſquire, his Majeſties Sollicitor; Sir *Benjamin Rudyard* Knight, Maſter *Tate*, Sir *John Clotworthy* Knight, *John Maynard* Eſquire, Sir *Henry Vane* junior Knight, *William Pierrepont* Eſquire, *William Wheeler* Eſquire, Sir *William Maſham*, *VValter Young*, Sir *John Evelyn* Knight, *John Selden* Eſquire, *Samuel Browne* Eſquire, Sir *William Strickland*, *Walter Long* Eſquire, *Herbert Morley* Eſquire, *George Snelling* Eſq; *Harbottle Grimſton* Eſq; *John Boys* Eſq; *Richard Shuttleworth*, Lord *Fairfax*, Sir *John D'Anvers*, *John Crew* Eſq; Sir *Anthony Irby*, Sir *John Holland*, Sir *Philip Stapleton*, *Luke Robinſon* Eſq; *Thomas Weſtrow* Eſq; *Denzell Hollis* Eſq; *Henry Lucas* Eſq; Sir *John Dreydon*, *Robert Reynolds* Eſq; Sir *Thomas Middleton*, *Robert Iennor* Eſq; *Henry Oxenden* Eſq, Sir *Gilbert Gerrard*, *Nicholas Stoughton* Eſq; Sir *John Burgoyne*, Sir *Edward Aiſcough*, *John Swynfen* Eſq; Sir *Henry Heyman*, *Edw. Leigh* Eſq; Sir *Thomas VVroth*, *Samuel Gott* Eſq; Sir *John Bamfield*, *VVilliam Ball* Eſq; *John Palmer* Eſq; *Laurence VVhitacre* Eſq; Sir *Arther Haſlerigg*, Sir *Dudley North*, Sir *VVilliam VValler*, *Nathaniel Bacon* Eſq; *Richard Edwards* Eſq; *Luke Hodges* Eſq; Sir *VVilliam Lewis*, *Francis Allen* Eſq; *Giles Greene* Eſq; *John Gourdon* Eſq; *Dennis Bond* Eſq; Sir *Peter VVentworth*, Sir *Samuel Luke*, *Edward Bainton* Eſq; *Richard Salloway* junior, *Simon Theloall* Eſq; *Oliver Cromwell* Eſq; *Iſaac Pennington* Eſq; Alderman of the City of London, *John Ven* Eſq; Doctor *John Bond*, Sir *Richard Onſlow*, Sir *VVilliam Armyn*, *VVilliam Aiſcough* Eſquire, *George Abbot*

Esquire, *Cornelius Holland* Esquire, *John Blackinston* Esquire, Lord *Herbert*, Sir *Walter Erle*, *Henry Martin* Esquire, Sir *Thomas Dacres*, *Richard Brown* Esquire, *William Ellis* Esquire, *John Liste* Esquire, *William Asburst* Esquire, Sir *John Treavor*, Sir *Nathaniel Barnardiston*, *Thomas* Lord *Wenman*, Sir *Martin Lumley*, *Samuel Vassall* Esquire, Sir *Matthew Boynton*, *Jervace Piggot* Esquire, *John Hutchinson* Esquire, *Thomas Hatcher* Esquire, *James Fiennes* Esquire, *Valentine Walton* Esquire, *John Stephens* Esquire, *John Evelyn* of Surry, *Thomas Scott* Esquires, *Thomas Fury* Esquire, *Henry Peck* Esquire, *Thomas Hodges* of Glocestershire Esquire, *William Leman* Esquire, *Richard Winwood* Esquire, *John Lowry* Esquire, Sir *Martin Lister*, Sir *Edmond Fowell*, *Robert Wallop* Esquire, *Richard Whitehead* Esquire, *Nathaniel Hallows* Esquire, *Robert Brewster* Esquire, Sir *Edward Hungerford*, *Richard Norton* Esquire, Sir *Thomas Barnadiston*, Sir *Thomas Trenchard*, *Miles Corbet* Esquire, Sir *Henry Mildmay*, *Thomas Atkin* Esquire, Alderman of the City of London, Lord *Cranborne*, *Roger Hill* Esquire, Sir *John Barington*, *John Trenchard* Esquire, Sir *John Corbet*, *Alexander Popham* Esquire, Sir *Samuel Roll*, Sir *John Coke*, *John Nut* Esquire, *Ralph Ashton* Esquire, *Richard Barwis* Esquire, *William Armyn* Esquire, *Richard Tolson* Esquire, Sir *Henry Cholmly*, Sir *Thomas Widdrington*, *George Fenwicke* Esquire, *Edmond Ludlow* Esquire, *Lillibon Long* Esquire, *Francis Drake* Esquire, Sir *Michaell Livesay*, *Edward Stephens* Esquire, Sir *William Spring*, *James Herbert* Esquire, *Henry Laurence* Esquire, *John Roll* Esquire, Sir *John Francklyn*, *Thomas Sandys* Esquire, Sir *Thomas Maliverer*, Sir *William Litton*, *Nathaniell Fiennes* Esquire, *William Purefoy* Esquire:

Or any nine of them shall be a Committee of Lords

Lords and Commons, to adjudge and determine ſcandalous offences not formerly enumerated, and the Elderſhips ſhall proceed in the Examinations of ſuch ſcandalous offences according to the cauſions and reſtrictions mentioned in the Ordinance of the twentieth of October, 1645. And the ſaid Committee ſhall have ſuch power, and ſhall proceed in ſuch ſort as is hereafter menrioned.

If any notorious and ſcandalous offence not formerly enumerated be committed by any within any Elderſhip, and ſo after full proofe ſhall be found before the Elderſhip, who ſhall have power to examine Proofs and Witneſſes on both ſides, in caſe both the Elderſhip and the party complained of do agree, the Proofs and Examinations to be duly taken, the ſaid Elderſhip ſhall forthwith certifie the ſaid Offence, with the Proofs, to the ſaid Committee of Parliament, who ſhall with all convenient ſpeed determine and adjudge the ſame; But in caſe the party accuſed ſhall finde himſelfe grieved, either by the not examination or undue examination of Witneſſes, or miſ-entring of the De-

poſitions

positions, in such case he shall forthwith declare the same to the Eldership, who shall relieve him if there be cause, which if they shall not do, then the three Justices of Peace next to the Parish where of the party complained of is a Member, or any two of them, not being of the same Eldership before whom the Complaint lyes, shall have power, and are hereby inabled and required forthwith to examine upon Oath the said Witnesses that were not examined, or were mis-examined, or whose Depositions were mis-entred, and with all convenient speed returne the Examination to the said Committee of Parliament: And in case the said Justices, or any two of them, do not finish their Examination, within six daies after the Cause shall be presented to them, the Party shall abstaine untill they have finished and certified their Examinations; And the said Committee upon hearing the whole matter from the Eldership and Justices, or either of them, shall adjudge whether the same be a notorious and scandalous offence, and so proved or no. And in case the said Committee shall not adjudge and determine the Case

within

within fourteen dayes after the receipt of the Certificate to them made, the party against whom the said Certificate shall be made, shall abstaine from the Sacrament, untill the Committee shall determine the same, unlesse in the meane time the Party shall shew his repentance for the said offence, and thereof give satisfaction to the Eldership; And if the said Committee shall adjudge the same not to be a scandalous Offence, or not well proved, the said party shall be admitted to the Sacrament; and if they shall adjudge the same to be a scandalous Offence, and so proved, he shall not be admitted to the Sacrament untill he shall have testified his repentance to the Eldership.

And be it further Ordained, That the Eldership shall either give personall notice to the Party complained of before them, or else leave notice in writing at his dwelling place, of the time and place when and where they will examine Witnesses against him, and also of the time that they will make their Certificate to the Committee of Parliament. And in case information shall be given to the Eldership of a notori-

ous and ſcandalous offence committed by any within their Elderſhip, they ſhall forthwith proceed to the Examination thereof; and if they cannot finiſh their examination til the week before the Sacrament, and they ſhall then finde by ſufficient proof that he hath committed a notorious and ſcandalous Offence, and yet they cannot certifie the ſame before the Sacrament, it being to be adminiſtred within a week after, in ſuch caſe the Party ſhall abſtaine from the Sacrament for the next time onely; unleſſe the Committee of Parliament, to whom the ſame is to be certified, ſhall adjudge the ſame a notorious and ſcandalous offence, and ſo proved; for which he ought to be kept from the Sacrament: and in ſuch caſe, upon the teſtifying of his repentance to the Elderſhip, he ſhall be againe reſtored to the Sacrament, and not before.

And be it further Ordained, If any ſhall finde themſelves agrieved with the judgement againſt him given by the ſaid Committee, they ſhall appeale from thence to both Houſes of Parliament if they ſee cauſe.

And be it Ordained, That the Committee

to

to whom the ſaid Certificate ſhall be made, as aforeſaid, ſhall report to both Houſes the ſaid ſeverall Caſes to them certified, and their judgements thereupon, that ſo the offences not yet enumerated may be added to the enumeration, in caſe the Houſes ſhall ſo thinke fit, and in their Reports they ſhall take care that they firſt report thoſe Certificates and their opinions thereupon, wherein they at any time ſhall differ from the Elderſhip.

And be it further Ordained, That this Ordinance ſhall continue for the ſpace of three yeers and no longer, unleſſe both Houſes think fit to continue it.

Joh. Brown Cler. Parliamentorum.

22 *Aprill*, 1647.

Remedies for removing ſome Obſtructions in Church-Government.

Reſolved, &c.

1. THat Letters from the Speakers of both Houſes be ſent into all Counties (from whence no returne hath been certified) That their reſpective Counties be divided into diſtinct Claſſes, and the ſame certified forthwith, with the Names of Miniſters and others fit to be of each Claſſis, according to the Ordinance.

2. That

2 That ſuch returnes from any of the Counties as are already made, or ſhall hereafter be made, be referred to be conſidered of by the Committee of Lords and Commons for judging of Scandall, and that ſo ſoone as ſuch returnes ſhall be made, the Speakers of both Houſes doe ſend the ſaid returnes to the ſaid Committee accordingly; and that ſuch being by them conſidered of and allowed, ſhall have power to act according to Ordinance of Parliament.

3 That the ſeverall Claſſes conſtituted by Parliament, in the ſeverall Counties within the Limits of the ſaid reſpective Claſſes, where no Congregationall Presbyteries are already ſetled, ſhall have from time to time power to nominate ſuch Miniſters and others as are qualified according to the Ordinance, to joyne with them in the ſame, to be approved by the Committee of Lords and Commons appointed to judge of Scandall, untill ſuch time as Congregationall Presbyteries ſhall be ſetled within the ſaid reſpective precincts: And when the ſaid Congregationall Presbyteries ſhall be

ſeeled within the ſaid Limits; That then the ſaid Congregationall Presbyteries ſhall act according to the power and directions of the Ordinance in that behalf; And that ſuch power ſhall be executed, not onely in caſes of death, or other departure of any Miniſter or Elder from the place of their wonted dwelling, but alſo in caſe of increaſe of Miniſters and Congregationall Elderſhips in their ſeverall precincts.

4 That at any ſuch time as ſeven Congregationall Elderſhips, or more, ſhall be conſtituted in any Claſſicall precinct in any of the Counties, by the reſpective Claſſes eſtabliſhed by Parliament, the ſame ſhall by them be ſignified to the ſeverall Congregationall Elderſhips ſo eſtabliſhed; and the ſaid Congregationall Elderſhips ſhall forthwith proceed to depute ſuch of their Elders as are moſt fit, who together with their Miniſters (according to the Ordinance of Parliament) ſhall meet as a Claſſis, and ſhall be, to all intents and purpoſes, thenceforth the Claſſis of that precinct, and execute all power belonging to ſuch or

any

any former Classis; and the Classis formerly constituted by Parliament, shall cease as to that precinct.

5 That the Elders of the Classis of the Province of *London*, shall hold their Provinciall Assembly in the Convocation-house at *Pauls* Church in *London*, upon the first Munday in *May* next ensuing, and may adjourn their meeting *de die in diem*, and conclude their meeting with Adjournment unto the next opportuuity, according to the Ordinance of Parliament: And that no Act shall passe or be valid in the said Province of *London*, but what shall be done by the number of Six and thirty present, or the major part of them, whereof Twelve to be Ministers, and Four and twenty to be Ruling-Elders; and that the first meeting of the Provinciall Assemblies in the severall Counties, be appointed by the Committee of Lords and Commons aforesaid, and may adjourne as aforesaid; who are to appoint the number of which each Province shall consist, and the *Quorum* that shall act in each Province.

6 That in the Classicall meeting of all Classes,

Classes, that which shall be done by the major part present, shall be esteemed as the act of the whole Classicall number; and the same to hold in the City of *London* in their meeting of Triers, and in all their Classicall meetings, and in the severall Counties; and that no act done by any Classis shall be valid and good, unlesse it be done by the number of fifteen present, or the major part of them, whereof five to be Ministers, and ten to be Ruling Elders.

Joh. Brown Cler. Parliamentorum.

FINIS.